

# EXHIBIT I

**From:** [Roysden, Beau](#)  
**To:** [Ward, Brian C. \(CIV\)](#); [Ensign, Drew](#); [Murrill, Elizabeth](#); [St. John, Joseph](#); [McPhee, Shae](#); [John.Sauer@ago.mo.gov](#); [Rogers, James](#); [Michael.Talent@ago.mo.gov](#)  
**Cc:** [Wilson, Sarah S. \(CIV\)](#); [Reuveni, Erez R. \(CIV\)](#); [Ryan, Erin T. \(CIV\)](#); [Fudim, Elissa P. \(CIV\)](#); [Darrow, Joseph A. \(CIV\)](#)  
**Subject:** [EXTERNAL] RE: Hearing date  
**Date:** Tuesday, June 28, 2022 12:10:06 AM  
**Attachments:** [image001.png](#)

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Brian,

I am writing to request an extension on the deadline for Plaintiffs to provide responses to your written discovery you served on us. As I mentioned at the hearing today, AZ, FL, MO, and LA are all presently working to collect data from their respective state agencies. To give us time to get that data and then craft responses, I would like 14 additional days from when the discovery responses are currently due, which I calculate as extending the deadline from 7/6 to and including 7/20.

Please let us know if you will agree to that extension

Beau Roysden

Arizona Attorney General's Office

602-542-8958 (direct)

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**From:** Ward, Brian C. (CIV) [<mailto:Brian.C.Ward@usdoj.gov>]

**Sent:** Friday, June 17, 2022 4:12 PM

**To:** Ensign, Drew; Murrill, Elizabeth; St. John, Joseph; Roysden, Beau; McPhee, Shae; [John.Sauer@ago.mo.gov](#); [Rogers, James](#); [Michael.Talent@ago.mo.gov](#)

**Cc:** Wilson, Sarah S. (CIV); Reuveni, Erez R. (CIV); Ryan, Erin T. (CIV); Fudim, Elissa P. (CIV); Darrow, Joseph A. (CIV)

**Subject:** RE: Hearing date

Attached are Defendants' responses to your discovery requests. We're still waiting on one verification, but should be able to send that to you at the start of next week.

There are too many documents to send over email, so we're going to produce the documents using the same file transfer cite we used to produce the record. You should be receiving invites to the folder where you can access our document production. Let us know if you have any trouble accessing the files.

Have a good weekend.

Brian

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**From:** Ensign, Drew <[Drew.Ensign@azag.gov](mailto:Drew.Ensign@azag.gov)>

**Sent:** Friday, May 27, 2022 5:36 PM

**To:** Reuveni, Erez R. (CIV) <[Erez.R.Reuveni@usdoj.gov](mailto:Erez.R.Reuveni@usdoj.gov)>; Ward, Brian C. (CIV) <[Brian.C.Ward@usdoj.gov](mailto:Brian.C.Ward@usdoj.gov)>; Murrill, Elizabeth <[MurrillE@ag.louisiana.gov](mailto:MurrillE@ag.louisiana.gov)>

**Cc:** St. John, Joseph <[StJohnJ@ag.louisiana.gov](mailto:StJohnJ@ag.louisiana.gov)>; Roysden, Beau <[Beau.Roysden@azag.gov](mailto:Beau.Roysden@azag.gov)>; McPhee, Shae <[McPheeS@ag.louisiana.gov](mailto:McPheeS@ag.louisiana.gov)>; [John.Sauer@ago.mo.gov](#); [Rogers, James](#) <[James.Rogers@azag.gov](mailto:James.Rogers@azag.gov)>; [Michael.Talent@ago.mo.gov](#)

**Subject:** [EXTERNAL] Re: Hearing date

Hi Erez and Brian,

Please find attached the States' discovery requests. Please also let us know if you consent to electronic receipt of these requests or instead require a physical copy.

After you have a chance to review, do you have some time to discuss next week? (As was flagged by Scott at the hearing, given the upcoming June 27 hearing, and the exceptionally compressed time window for discovery, your responses/productions will necessarily need to be expedited.)

Have a great weekend,

Drew

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**From:** Ensign, Drew

**Sent:** Wednesday, May 25, 2022 9:20 AM

**To:** Reuveni, Erez R. (CIV); Ward, Brian C. (CIV); Murrill, Elizabeth

**Cc:** St. John, Joseph; Roysden, Beau; McPhee, Shae; [John.Sauer@ago.mo.gov](mailto:John.Sauer@ago.mo.gov); Rogers, James; [Michael.Talent@ago.mo.gov](mailto:Michael.Talent@ago.mo.gov)

**Subject:** Re: Hearing date

Thanks, Erez.

I think we can agree to the stipulation concept in principle, and that the states would be Arizona and 1-3 non-border states, so that you could draft discovery requests accordingly. Would it be possible for you to share discovery requests tomorrow by COB then? (It looks like the N.D. Texas case has slowed down a bit.)

It's obviously easier for us to discuss with our plaintiff group when the states have some idea what they would be signing up for so that they can make an informed choice. We may be also be able to reduce the number of states if we had some indication of what information you were seeking. Absent some indication of what your requests are likely to be, however, we would understandably need to be cautious about ensuring that we have a broader range of states with a broader range of resulting injuries.

In the meantime, we will circle up with our group. I think we could commit to getting you the specific states within a business day of receiving your document requests. Alternatively, we can try to do so without any preview of what the requests are, but that may take some more time/wrangling.

Drew

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**From:** Reuveni, Erez R. (CIV) <[Erez.R.Reuveni@usdoj.gov](mailto:Erez.R.Reuveni@usdoj.gov)>

**Sent:** Tuesday, May 24, 2022 3:24 PM

**To:** Ensign, Drew; Ward, Brian C. (CIV); Murrill, Elizabeth

**Cc:** St. John, Joseph; Roysden, Beau; McPhee, Shae; [John.Sauer@ago.mo.gov](mailto:John.Sauer@ago.mo.gov); Rogers, James; [Michael.Talent@ago.mo.gov](mailto:Michael.Talent@ago.mo.gov)

**Subject:** RE: Hearing date

Hi Drew. Thanks for conferring with us earlier today.

On the proposed stipulation we discussed, we don't have a sample to share, but the idea would be this: instead of having to serve written discovery or take depositions as to each plaintiff's state's injuries for standing purposes, we'd propose to limit the universe of states relevant to

standing or harm to 2 or 3 states. We would agree to limit our respective requests to discovery directed at the injuries of those exemplar states, and we would further agree that if, after discovery, the court finds that none of the 2-3 exemplar states have shown a likelihood of injury for standing purposes, that no state has standing. That should streamline significantly the scope and burden of discovery going both ways while still allowing the states to prove up their case on standing and the defendants to argue against standing. Once we agree on the general contours, we can work out a joint stipulation.

On your more recent request that we share our actual discovery requests by tomorrow, we won't be in a position to serve discovery requests formally tomorrow, or to outline them generally either. We do think those will depend on whether we can agree on a limited slate of states for discovery. But we should discuss dates for serving discovery on each other as part of our stipulation.

Erez

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**From:** Ensign, Drew <[Drew.Ensign@azag.gov](mailto:Drew.Ensign@azag.gov)>  
**Sent:** Tuesday, May 24, 2022 5:29 PM  
**To:** Reuveni, Erez R. (CIV) <[Erez.R.Reuveni@usdoj.gov](mailto:Erez.R.Reuveni@usdoj.gov)>; Ward, Brian C. (CIV) <[Brian.C.Ward@usdoj.gov](mailto:Brian.C.Ward@usdoj.gov)>; Murrill, Elizabeth <[MurrillE@ag.louisiana.gov](mailto:MurrillE@ag.louisiana.gov)>  
**Cc:** St. John, Joseph <[StJohnJ@ag.louisiana.gov](mailto:StJohnJ@ag.louisiana.gov)>; Roysden, Beau <[Beau.Roysden@azag.gov](mailto:Beau.Roysden@azag.gov)>; McPhee, Shae <[McPheeS@ag.louisiana.gov](mailto:McPheeS@ag.louisiana.gov)>; [John.Sauer@ago.mo.gov](mailto:John.Sauer@ago.mo.gov); Rogers, James <[James.Rogers@azag.gov](mailto:James.Rogers@azag.gov)>; [Michael.Talent@ago.mo.gov](mailto:Michael.Talent@ago.mo.gov)  
**Subject:** [EXTERNAL] RE: Hearing date

Thanks, Erez and Brian.

In talking to our group, it would be extremely helpful to understand what the potential discovery requests/burdens would be so that States can make an informed decision.

Along those lines, can you please send us your discovery requests by tomorrow COB and we will get back to you with representative states by Thursday COB? That approach should allow us to streamline/expedite this.

Sincerely,

Drew

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**From:** Reuveni, Erez R. (CIV) <[Erez.R.Reuveni@usdoj.gov](mailto:Erez.R.Reuveni@usdoj.gov)>  
**Sent:** Tuesday, May 24, 2022 9:34 AM  
**To:** Ensign, Drew <[Drew.Ensign@azag.gov](mailto:Drew.Ensign@azag.gov)>; Ward, Brian C. (CIV) <[Brian.C.Ward@usdoj.gov](mailto:Brian.C.Ward@usdoj.gov)>; Murrill, Elizabeth <[MurrillE@ag.louisiana.gov](mailto:MurrillE@ag.louisiana.gov)>  
**Cc:** St. John, Joseph <[StJohnJ@ag.louisiana.gov](mailto:StJohnJ@ag.louisiana.gov)>; Roysden, Beau <[Beau.Roysden@azag.gov](mailto:Beau.Roysden@azag.gov)>; McPhee, Shae <[McPheeS@ag.louisiana.gov](mailto:McPheeS@ag.louisiana.gov)>; [John.Sauer@ago.mo.gov](mailto:John.Sauer@ago.mo.gov); Rogers, James <[James.Rogers@azag.gov](mailto:James.Rogers@azag.gov)>; [Michael.Talent@ago.mo.gov](mailto:Michael.Talent@ago.mo.gov)  
**Subject:** RE: Hearing date

That will work. We can use this call-in. Will send a calendar invite as well.

Join by phone

+1-202-600-2533 United States Toll (Washington D.C.)

Access code: 2763 986 0367

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**From:** Ensign, Drew <[Drew.Ensign@azag.gov](mailto:Drew.Ensign@azag.gov)>  
**Sent:** Tuesday, May 24, 2022 12:18 PM  
**To:** Ward, Brian C. (CIV) <[Brian.C.Ward@usdoj.gov](mailto:Brian.C.Ward@usdoj.gov)>; Reuveni, Erez R. (CIV) <[Erez.R.Reuveni@usdoj.gov](mailto:Erez.R.Reuveni@usdoj.gov)>; Murrill, Elizabeth <[MurrillE@ag.louisiana.gov](mailto:MurrillE@ag.louisiana.gov)>  
**Cc:** St. John, Joseph <[StJohnJ@ag.louisiana.gov](mailto:StJohnJ@ag.louisiana.gov)>; Roysden, Beau <[Beau.Roysden@azag.gov](mailto:Beau.Roysden@azag.gov)>; McPhee, Shae <[McPheeS@ag.louisiana.gov](mailto:McPheeS@ag.louisiana.gov)>; [John.Sauer@ago.mo.gov](mailto:John.Sauer@ago.mo.gov); Rogers, James <[James.Rogers@azag.gov](mailto:James.Rogers@azag.gov)>; [Michael.Talent@ago.mo.gov](mailto:Michael.Talent@ago.mo.gov)  
**Subject:** [EXTERNAL] Re: Hearing date

Thanks, Brian. Can we plan on talking at 4pm Eastern?

Drew

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**From:** Ward, Brian C. (CIV) <[Brian.C.Ward@usdoj.gov](mailto:Brian.C.Ward@usdoj.gov)>  
**Sent:** Monday, May 23, 2022 1:44 PM  
**To:** Ensign, Drew; Reuveni, Erez R. (CIV); Murrill, Elizabeth  
**Cc:** St. John, Joseph; Roysden, Beau; McPhee, Shae; [John.Sauer@ago.mo.gov](mailto:John.Sauer@ago.mo.gov); Rogers, James; [Michael.Talent@ago.mo.gov](mailto:Michael.Talent@ago.mo.gov)  
**Subject:** RE: Hearing date

We are generally available any time before 2 pm ET tomorrow, or from 4-5 pm ET. We should be able to circulate dial-in info. if we can settle on a time.

Thanks,  
Brian

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**From:** Ensign, Drew <[Drew.Ensign@azag.gov](mailto:Drew.Ensign@azag.gov)>  
**Sent:** Monday, May 23, 2022 3:56 PM  
**To:** Ward, Brian C. (CIV) <[Brian.C.Ward@usdoj.gov](mailto:Brian.C.Ward@usdoj.gov)>; Reuveni, Erez R. (CIV) <[Erez.R.Reuveni@usdoj.gov](mailto:Erez.R.Reuveni@usdoj.gov)>; Murrill, Elizabeth <[MurrillE@ag.louisiana.gov](mailto:MurrillE@ag.louisiana.gov)>  
**Cc:** St. John, Joseph <[StJohnJ@ag.louisiana.gov](mailto:StJohnJ@ag.louisiana.gov)>; Roysden, Beau <[Beau.Roysden@azag.gov](mailto:Beau.Roysden@azag.gov)>; McPhee, Shae <[McPheeS@ag.louisiana.gov](mailto:McPheeS@ag.louisiana.gov)>; [John.Sauer@ago.mo.gov](mailto:John.Sauer@ago.mo.gov); Rogers, James <[James.Rogers@azag.gov](mailto:James.Rogers@azag.gov)>; [Michael.Talent@ago.mo.gov](mailto:Michael.Talent@ago.mo.gov)  
**Subject:** [EXTERNAL] Re: Hearing date

Thanks, Brian. That concept is potentially something we could agree to, although the devil may be in the details.

We are happy to discuss by phone tomorrow. If you could propose some times and dial-in

information, we will let you know which times work for us.

Sincerely,

Drew

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**From:** Ward, Brian C. (CIV) <[Brian.C.Ward@usdoj.gov](mailto:Brian.C.Ward@usdoj.gov)>  
**Sent:** Monday, May 23, 2022 11:38 AM  
**To:** Ensign, Drew; Reuveni, Erez R. (CIV); Murrill, Elizabeth  
**Cc:** St. John, Joseph; Roysden, Beau; McPhee, Shae; [John.Sauer@ago.mo.gov](mailto:John.Sauer@ago.mo.gov); Rogers, James; [Michael.Talent@ago.mo.gov](mailto:Michael.Talent@ago.mo.gov)  
**Subject:** RE: Hearing date

Hey Drew,

Hope you're doing well. We would like to discuss potentially entering into some sort of stipulation governing the discovery the Court ordered that would treat a couple States as representative of all Plaintiffs for purposes of our jurisdictional discovery on standing. Otherwise we may have to serve discovery requests and deposition notices on all 20 States. Particularly given the compressed timeline for discovery, I think it is probably in both side's interests to avoid that if we can come to some agreement.

If it would be easier to confer on this by phone after you have discussed, let us know. We're happy to set up a call and I think we have some availability tomorrow.

Thanks,

Brian

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**From:** Ensign, Drew <[Drew.Ensign@azag.gov](mailto:Drew.Ensign@azag.gov)>  
**Sent:** Friday, May 13, 2022 6:27 PM  
**To:** Reuveni, Erez R. (CIV) <[Erez.R.Reuveni@usdoj.gov](mailto:Erez.R.Reuveni@usdoj.gov)>; Murrill, Elizabeth <[MurrillE@ag.louisiana.gov](mailto:MurrillE@ag.louisiana.gov)>; Ward, Brian C. (CIV) <[Brian.C.Ward@usdoj.gov](mailto:Brian.C.Ward@usdoj.gov)>  
**Cc:** St. John, Joseph <[StJohnJ@ag.louisiana.gov](mailto:StJohnJ@ag.louisiana.gov)>; Roysden, Beau <[Beau.Roysden@azag.gov](mailto:Beau.Roysden@azag.gov)>; McPhee, Shae <[McPheeS@ag.louisiana.gov](mailto:McPheeS@ag.louisiana.gov)>; [John.Sauer@ago.mo.gov](mailto:John.Sauer@ago.mo.gov); Rogers, James <[James.Rogers@azag.gov](mailto:James.Rogers@azag.gov)>; [Michael.Talent@ago.mo.gov](mailto:Michael.Talent@ago.mo.gov)  
**Subject:** [EXTERNAL] Re: Hearing date

Thanks, Erez. We have now filed our PI with the court. Here is an as-filed copy of the brief itself.

Do you have some time on Monday afternoon to discuss scheduling and related matters?

Also, and I'm sure you won't be surprised (as you previewed), we do not consent to transfer to DDC. For the reasons we have explained in our transfer opposition, we believe jurisdiction is proper in the Western District.

Have a great weekend,

Drew

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**From:** Reuveni, Erez R. (CIV) <[Erez.R.Reuveni@usdoj.gov](mailto:Erez.R.Reuveni@usdoj.gov)>  
**Sent:** Thursday, May 12, 2022 6:03 PM  
**To:** Ensign, Drew; Murrill, Elizabeth; Ward, Brian C. (CIV)  
**Cc:** St. John, Joseph; Roysden, Beau; McPhee, Shae; [John.Sauer@ago.mo.gov](mailto:John.Sauer@ago.mo.gov); Rogers, James  
**Subject:** RE: Hearing date

Drew,

We appreciate the willingness to discuss further. We have discussed with our clients, and they do not agree at this time to delay the effective date.

That being said, since you've made clear your intention to file for some sort of preliminary injunction, we are not opposed to discussing some sort of reasonable schedule that gives both parties a reasonable and fair amount of time given the complexity of this rule and likely scope of the administrative record, to produce the record and brief the issues. We do however maintain our position that the court should decide the pending jurisdictional motion first, although we understand you may disagree. And since we seem unlikely to reach agreement on the sequencing of your motion and the decision on the jurisdictional motion, we think the timing of your forthcoming motion is relevant to any schedule we negotiate.

One other consideration, although I won't act surprised if you disagree—if you can consent to transfer to DDC, we could save time and likely agree to a faster schedule on things as a result, since we'll know what law will govern this case with certainty.

Erez

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**From:** Ensign, Drew <[Drew.Ensign@azag.gov](mailto:Drew.Ensign@azag.gov)>  
**Sent:** Wednesday, May 11, 2022 8:39 PM  
**To:** Reuveni, Erez R. (CIV) <[Erez.R.Reuveni@usdoj.gov](mailto:Erez.R.Reuveni@usdoj.gov)>; Murrill, Elizabeth <[MurrillE@ag.louisiana.gov](mailto:MurrillE@ag.louisiana.gov)>; Ward, Brian C. (CIV) <[Brian.C.Ward@usdoj.gov](mailto:Brian.C.Ward@usdoj.gov)>  
**Cc:** St. John, Joseph <[StJohnJ@ag.louisiana.gov](mailto:StJohnJ@ag.louisiana.gov)>; Roysden, Beau <[Beau.Roysden@azag.gov](mailto:Beau.Roysden@azag.gov)>; McPhee, Shae <[McPheeS@ag.louisiana.gov](mailto:McPheeS@ag.louisiana.gov)>; [John.Sauer@ago.mo.gov](mailto:John.Sauer@ago.mo.gov); Rogers, James <[James.Rogers@azag.gov](mailto:James.Rogers@azag.gov)>  
**Subject:** [EXTERNAL] RE: Hearing date

Thanks, Erez.

We could agree to hold off on filing until 5/19 if Defendants can agree to a corresponding 6-day delay in the effective date of the Rule (and could similarly agree to longer delays for this short pending-motion-decision period, as needed, as long as there were commensurate delays in the effective date). That would preserve an adequate (if expedited) window to brief/resolve our motion prior to the effective date.

Otherwise you are essentially asking us to potentially self-moot our own request to delay the effective date of the rule, which would be problematic to us to say the least. We certainly don't want to jam you on the timing of an opposition brief, but if Federal Defendants cannot agree to even the most modest of delays in the effective date, that may unfortunately be the necessary result.



Drew

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**From:** Reuveni, Erez R. (CIV) <[Erez.R.Reuveni@usdoj.gov](mailto:Erez.R.Reuveni@usdoj.gov)>  
**Sent:** Tuesday, May 10, 2022 1:21 PM  
**To:** Ensign, Drew <[Drew.Ensign@azag.gov](mailto:Drew.Ensign@azag.gov)>; Murrill, Elizabeth <[MurrillE@ag.louisiana.gov](mailto:MurrillE@ag.louisiana.gov)>; Ward, Brian C. (CIV) <[Brian.C.Ward@usdoj.gov](mailto:Brian.C.Ward@usdoj.gov)>  
**Cc:** St. John, Joseph <[StJohnJ@ag.louisiana.gov](mailto:StJohnJ@ag.louisiana.gov)>; Roysden, Beau <[Beau.Roysden@azag.gov](mailto:Beau.Roysden@azag.gov)>; McPhee, Shae <[McPheeS@ag.louisiana.gov](mailto:McPheeS@ag.louisiana.gov)>; [John.Sauer@ago.mo.gov](mailto:John.Sauer@ago.mo.gov); Rogers, James <[James.Rogers@azag.gov](mailto:James.Rogers@azag.gov)>  
**Subject:** RE: Hearing date

Thanks for your email Drew.

We appreciate the offer to hold off until Friday, 5/13. However, as you know, the Court likely pushed a decision point to May 18 at the earliest, by setting a new hearing date following plaintiffs' request that it do so. So we'd ask that you consider holding off until May 19, after the hearing at the earliest. In exchange for that, we'd be we'd as discussed note use the fact you delayed filing because of the agreement as an argument against entry of the a PI. But if that isn't something you can agree to, we don't think we can agree, given the date of hearing at present. Let us know if you'd like to discuss.

Erez

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**From:** Ensign, Drew <[Drew.Ensign@azag.gov](mailto:Drew.Ensign@azag.gov)>  
**Sent:** Monday, May 09, 2022 10:45 PM  
**To:** Reuveni, Erez R. (CIV) <[Erez.R.Reuveni@usdoj.gov](mailto:Erez.R.Reuveni@usdoj.gov)>; Murrill, Elizabeth <[MurrillE@ag.louisiana.gov](mailto:MurrillE@ag.louisiana.gov)>; Ward, Brian C. (CIV) <[Brian.C.Ward@usdoj.gov](mailto:Brian.C.Ward@usdoj.gov)>  
**Cc:** St. John, Joseph <[StJohnJ@ag.louisiana.gov](mailto:StJohnJ@ag.louisiana.gov)>; Roysden, Beau <[Beau.Roysden@azag.gov](mailto:Beau.Roysden@azag.gov)>; McPhee, Shae <[McPheeS@ag.louisiana.gov](mailto:McPheeS@ag.louisiana.gov)>; 'John.Sauer@ago.mo.gov' <[John.Sauer@ago.mo.gov](mailto:John.Sauer@ago.mo.gov)>; Rogers, James <[James.Rogers@azag.gov](mailto:James.Rogers@azag.gov)>  
**Subject:** [EXTERNAL] Re: Hearing date

Thanks, Erez.

On the timing of a PI, we can agree to hold off filing until Friday, 5/13 to see if the motion to transfer is acted upon by then. In doing so, we are expressly taking you up on your offer "not using the fact you delayed filing because of this agreement as an argument against entry of PI."

In a similar vein, we could also agree to hold off on filing for another two weeks (until 5/23) if DOJ/DHS would agree to postpone the effective date of the Asylum IFR for two weeks (i.e., until June 14). That could further be extended on one-off bases as appropriate.

Obviously a postponement of the effective date could be moot if not acted upon by the effective date, so we cannot agree to any larger extension than to 5/13 absent a commitment that Defendants do not intend to moot our postponement request by the expedient of letting the rule become effective. We recognize that pressing for a decision by 5/31 may impose burdens



on counsel for both parties. But those burdens are readily ameliorated if DHS/DOJ would be willing to show a modest amount of forbearance on the effective date. But absent such flexibility, we cannot agree to any delays beyond resolution of the motion to transfer/May 13 (whichever is earlier).

Sincerely,

Drew

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**From:** Reuveni, Erez R. (CIV) <[Erez.R.Reuveni@usdoj.gov](mailto:Erez.R.Reuveni@usdoj.gov)>  
**Sent:** Wednesday, May 4, 2022 10:39 AM  
**To:** Murrill, Elizabeth; Ward, Brian C. (CIV)  
**Cc:** St. John, Joseph; Roysden, Beau; Ensign, Drew; McPhee, Shae  
**Subject:** RE: Hearing date

Hi Liz,

Thanks for reaching out, sorry to hear that and hope they have a speedy recovery. We don't oppose an alternative to the current schedule to accommodate this, but given what you note about the trial Judge Joseph has scheduled Tuesday, we would prefer to include the option for a hearing on Monday via zoom if in fact the Court can't do the later dates. Should he be available on the later dates, our preference would be Wednesday, then Thursday, then Friday (although we'd be fine with not proposing Friday at all given your other hearing in the T42 case).

Also, as we're discussing timing, and given both of our other pressing commitments, we wanted to raise something else. Your complaint asks for, among other things, a preliminary injunction and postponement of the effective date of the rule. As you can imagine, given how quickly we filed the transfer motion and our stay request, we think it makes sense to have the transfer issue resolved promptly before anything else, so that the parties know what Circuit's law they're arguing if you do file any substantive motion before we file a responsive pleading. And as you know, we also have an identical case in Amarillo with Texas in which the same issues are all in play that has a similar schedule right now to the one Judge Joseph has set. With that in mind would you be willing to consider agreeing to not filing a motion for preliminary injunction until a transfer motion is decided? We would be willing to stipulate to not using the fact you delayed filing because of this agreement as an argument against entry of PI.

And to be clear, we're not suggesting moving the hearing date is contingent on your agreement to this latter request. We just wanted to raise it now since we're discussing scheduling issues.

Erez

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**From:** Murrill, Elizabeth <[MurrillE@ag.louisiana.gov](mailto:MurrillE@ag.louisiana.gov)>  
**Sent:** Wednesday, May 04, 2022 12:49 PM  
**To:** Ward, Brian C. (CIV) <[Brian.C.Ward@usdoj.gov](mailto:Brian.C.Ward@usdoj.gov)>; Reuveni, Erez R. (CIV) <[Erez.R.Reuveni@usdoj.gov](mailto:Erez.R.Reuveni@usdoj.gov)>  
**Cc:** St. John, Joseph <[StJohnJ@ag.louisiana.gov](mailto:StJohnJ@ag.louisiana.gov)>; Roysden, Beau <[Beau.Roysden@azag.gov](mailto:Beau.Roysden@azag.gov)>;

Ensign, Drew <[Drew.Ensign@azag.gov](mailto:Drew.Ensign@azag.gov)>; McPhee, Shae <[McPheeS@ag.louisiana.gov](mailto:McPheeS@ag.louisiana.gov)>  
**Subject:** [EXTERNAL] Hearing date

Counsel,

We have a lawyer out with Covid, as well as two oral arguments in New Orleans on Tuesday. We would like to ask Judge Joseph to reset the hearing on the Motion to Transfer and Stay to Wednesday, Thursday, or Friday. We will be before Judge Summerhayes on the PI in the Title 42 case on Friday, but we have lawyers who can go to Judge Joseph's courtroom if its Friday. Alternatively, we could do it Monday. He appears to want to have an in-person hearing, but we could also offer to do it by Zoom on Monday. His office indicated he has a trial starting Tuesday, so this will impact his decisions here.

Do you oppose any of these options?

Liz

image001.png



Elizabeth B. Murrill

Solicitor General  
Office of Attorney General Jeff Landry  
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